

Cape May Court House, NJ
October 19, 2020
REGULAR MEETING
FLAG SALUTE
THIS MEETING IS BEING RECORDED:

I hereby declare that notice has been given to the Herald Times, the Atlantic City Press and posted on the bulletin board of the Middle Township Municipal Building, stating the time and place of the following meeting, as required in P.L. 1975, Chapter 231 of the State of New Jersey. (Sunshine Law).

The Township Committee met on the above date at 6:00 PM virtually on Zoom Video Platform and through Facebook Live. Members present were Mayor Donohue, Deputy Mayor Gandy, Committeemember Norris, Business Administrator/Township Clerk Kimberly Krauss, Deputy Township Clerk Andrea Singley, Township Engineer Vince Orlando, & Municipal Solicitor Marcus Karavan

1. QUESTION/ANSWER PERIOD ON AGENDA (*This question and answer session shall relate only to items as outlined and pending on current agenda. Issues and concerns not related to agenda item shall be withheld to public comment portion at the conclusion of meeting.*)

Stan Donigar, Rio Grande:

- *Asked for clarification on a charge on the bill list.*

Kim Krauss, Administrator/Clerk:

- *Provided clarification.*

Stan Donigar, Rio Grande:

- *Asked question pertaining to Master Plan hearing and proposed hotel.*

Mayor Donohue:

- *Explained Master Plan re-examination process.*

2. RESOLUTION 364-20 – APPROVING PAYMENT FOR BILLS – BILL LIST A (GENERAL BILLS) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that payment for the following bills in the amounts indicated are hereby approved:
Current Acct. \$507,605.57
3. RESOLUTION 365-20 – APPROVING MINUTES FROM PREVIOUS MEETING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that the following minutes are approved: 10/05/2020 Regular Meeting.
4. REPORTS – Finance Department for the Month of September
5. PUBLIC HEARING – PERSON TO PERSON TRANSFER – MOBILE HOME PARK LICENSE NO. 7 – CAPTAIN WALT’S MOBILE HOME PARK

Mayor Donohue:

- *Explained license transfer process outlined by Ordinance.*

Kim Krauss, Administrator/Clerk:

- *Provided background on application for transfer and also further explained process.*

Nicholas Pizzica:

- *Explained that his brother was the holder of the license and that he does not plan to change anything.*

Mayor Donohue:

- *Wished Mr. Pizzica luck.*

Nicholas Pizzica:

- *Thanked all Township staff for their help.*

6. RESOLUTION 366-20 – APPROVING PERSON TO PERSON TRANSFER OF MOBILE HOME PARK LICENSE NO. 7 – CAPTAIN WALT’S MOBILE HOME PARK – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
WHEREAS, the estate of George Swickla is the holder in good standing of Campground License #7, Captain Walt’s Mobile Home Park, located on Block 24, Lot 18, also known as 170 Beach Avenue and Block 18, Lot 30 also known as 179 Beach Avenue, Cape May Court House, and
WHEREAS, application has been made to transfer said license to Nicholas R. Pizzica, and
WHEREAS, all legal requirements for said transfer have been fulfilled.
NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, the governing body thereof, that Campground License #7 be and hereby is transferred to Nicholas R. Pizzica .
7. RESOLUTION 367-20 – ACKNOWLEDGEMENT OF RESIGNATION – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.
BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, that the following resignations listed below, are acknowledged.

NAME	BOARD/DEPARTMENT	POSITION	EFFECTIVE
Rayquan Walker	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
John Woytsek	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Megan Langrell	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Glenn McNenny	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Keith Nielson	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
David Barracough	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
April Mulligan	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	09/30/2020
Jennifer Ocasio	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	10/06/2020
Alex Bauer	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	10/06/2020
Adam Feltwell	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	10/06/2020
Kirk Rohrer	Public Safety – Telecommunications	Public Safety Telecommunicator P/T	05/01/2017
Christopher Belles	Public Safety – Emergency Medical Services	Emergency Medical Technician P/T	10/12/2020

8. RESOLUTION 368-20 – APPOINTMENTS – NEW HIRES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted. NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Middle, County of Cape May, State of New Jersey, that the following employees are hereby appointed to the following position at the salaries opposite their names:

NAME	DEPARTMENT	TITLE	SALARY	EFFECTIVE
Michael Holden	Public Works	Laborer 1 P/T T/A – 6 months	\$11.00 per hour	10/19/2020
Gerald Grier	Public Works	Laborer 1 P/T T/A – 6 months	\$11.00 per hour	10/19/2020

9. RESOLUTION 369-20 – AUTHORIZING TOWNSHIP TO EXCEED 60-DAY BID LIMITATION – BANKING SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, it was deemed necessary and desirable to solicit for proposals for Banking Services; and WHEREAS, the Township received said proposals on August 26, 2020 at 10:00 AM for said services; and

WHEREAS, NJSA 40A:11-24 delegates the time table for making awards and returning deposits, and WHEREAS, statute states that the contracting unit shall award or reject the contract in no case more than 60 days after receipt, except that the bidders who consent thereto at the request of the contracting unit, be held for consideration for such longer period as agreed, and

WHEREAS, all bid security, except the security of the three apparent lowest responsible bidders, shall be returned, unless otherwise requested by the bidder, and

WHEREAS, the Township of Middle does hereby wish to exceed said time frame for an additional thirty (30) days, and

WHEREAS, the Township will request written consent from the three lowest bidders, if applicable, to retain all bid documents for an additional 30 days or until an award is made.

NOW THEREFORE BE IT RESOLVED, by the Township of Middle, County of Cape May, State of New Jersey, that the Township of Middle is hereby authorize to extend the award time for the above referenced project for thirty (30) additional days.

10. RESOLUTION 370-20 – TABULATION COMMITTEE – 2021 POLICE UNIFORM SERVICES – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey that Township Officials be and hereby are appointed to tabulate the bids to be taken on December 2nd, 2020 at 10:00 AM in the Middle Township

Municipal Building, 2nd Floor Conference Room, 33 Mechanic Street, Cape May Court House, NJ for the following:

2021 POLICE UNIFORM SERVICES

11. RESOLUTION 371-20 – AWARD CONTRACT AND RATIFY AGREEMENT THROUGH NON-FAIR AND OPEN PROCESS – RICKY SLADE CONSTRUCTION INC. – MAIN STREET TRAFFIC CALMING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, the governing body thereof, that the Agreement between Ricky Slade Construction Inc. and the Township of Middle for Main Street Traffic Calming be and is hereby ratified and the contract is hereby awarded through the Non-Fair and Open Process as described in Pay-To-Play Statutes.

FURTHER RESOLVED, that the appropriate officials are hereby authorized and directed to sign said agreement.

Ricky Slade Construction Inc.
Main Street Traffic Calming
Not to Exceed \$13,400.00

12. RESOLUTION 372-20 – APPROVING NJ DCA REQUIRED CY 2020 / SFY 2021 BEST PRACTICE INVENTORY PROGRAM AND CERTIFY OCCURRENCE OF PUBLIC MEETING – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

WHEREAS, the State's Fiscal Year 2021 Appropriations Act (P.L. 2011, c.85) requires the Division of Local Government Services ("Division") to determine how much of each municipality's final 5% allocation of CMPTRA and ETR aid will be disbursed based on the results of a Best Practices Inventory ("Inventory") to be completed by each municipality, and

WHEREAS, the Inventory encourages municipalities to embrace practices that promote financial accountability and transparency, and

WHEREAS, one requirement of said Act is that the governing body consider the Inventory at a public meeting, a copy of which has been attached to and is made part of this resolution, and

WHEREAS, all members of the governing body have received and have familiarized themselves with said Inventory.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Middle, hereby states that:

1. The appropriate parties are hereby authorized to sign the "Best Practices" Worksheet and Certification Form, certifying as to the accuracy of the information provided in the CY 2020 / SFY 2021 Best Practices Inventory.
2. That the Township Clerk certifies that the Best Practices Checklist for the Township of Middle was approved by the governing body at the Township Meeting held on October 19, 2020.

13. RESOLUTION 373-20 THROUGH 375-20 – INSERTION OF A SPECIAL ITEM OF REVENUE (ITEMS A THROUGH C) – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

(A) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2020 in the sum of:

FY2019 Emergency Management Agency Assistance Grant \$10,000.00\

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

FY2019 Emergency Management Agency Assistance Grant \$10,000.00

(B) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local Government Services to approve the insertion of additional items of revenue in the budget of the year 2020 in the sum of:

Sustainable Jersey Communities Grant \$5,000.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Sustainable Jersey Communities Grant \$5,000.00

(C) WHEREAS, R.S. 40A: 4-87 provides the Director of the Division of Local Government Services to approve the insertion of any Special Item of Revenue in the budget of any Municipality when such item shall have been made available by law and the amount whereof was not determined at the time of adoption of budget, and

WHEREAS, said Director may also approve the insertion of an appropriation for an equal amount.

NOW THEREFORE BE IT RESOLVED, that the Township Committee, the Governing Body of the Township of Middle, County of Cape May and State of New Jersey, hereby requests the director of Local

Government Services to approve the insertion of additional items of revenue in the budget of the year 2020 in the sum of:

Hand Avenue Sidewalk Extension-Amended \$15,000.00

BE IT FURTHER RESOLVED, that like sum be and the same is hereby appropriated under the following caption:

Hand Avenue Sidewalk Extension-Amended \$15,000.00

14. RESOLUTION 376-20 – AUTHORIZING MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM FOR ROCK SALT WITH COUNTY OF CAPE MAY – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

*WHEREAS, N.J.S.A. 40A: 11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and
WHEREAS, the County of Cape May, hereinafter referred to as the “Lead Agency” has offered voluntary participation in Cooperative Pricing System 25CMACP for the purchase of goods and services;
WHEREAS, on October 19th, 2020 the Governing Body of the Township of Middle, County of Cape May, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision of Rock Salt;*

NOW, THEREFORE BE IT RESOLVED by the Township Committee of Township of Middle, County of Cape May, State of New Jersey, as follows:

1. Member Participation in a Cooperative Pricing System for Rock Salt is hereby authorized.
2. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the County of Cape May for Rock Salt.
3. Pursuant to the provisions of (N.J.S.A. 40A:11-1 et seq.), the Chief Financial Officer is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
4. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
5. This resolution shall take effect immediately upon passage.

15. RESOLUTION 377-20 – ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN COMPLIANCE WITH THE NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND’S CYBER RISK MANAGEMENT PLAN’S TIER ONE REQUIREMENTS – On motion by Committeeman Gandy seconded by Committeeman Norris and passed on roll call, the following resolution was adopted.

*WHEREAS, the Township of Middle is a member of the Atlantic County Municipal Joint Insurance Fund which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and
WHEREAS, through its membership in the Atlantic County Municipal Joint Insurance Fund the Township of Middle enjoys cyber liability insurance coverage to protect the Township of Middle from the potential devastating costs associated with a cyber related claim; and
WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and
WHEREAS, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1 & Tier 2 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Township of Middle; and
WHEREAS, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Township of Middle to claim a reimbursement of a paid insurance deductible in the event the member files a claim against Township of Middle’s cyber insurance policy, administered through Atlantic County Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund;*

NOW THEREFORE BE IT RESOLVED, that the Township of Middle does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference, in accordance with Tier 1 of the NJ MEL Cyber Risk Management Plan;

- System and data back-up
- Security and system patching
- Defensive software
- Security Awareness Training
- Incident Response Plan

BE IT FURTHER RESOLVED, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval

16. PUBLIC COMMENT:

Ryan Schmid:

- Asked for clarity on next steps for proposed hotel.
- Expressed concern over the same.

Mayor Donohue:

- Clarified the November 10th Planning Board meeting is for the public, not for Township Committee Review

Ryan Schmid:

- *Continued to discuss concerns regarding public meetings for the master plan*

Mayor Donohue:

- *Discussed the ongoing review on the Master Plan; further discussed timeline of the same*
- *Stated Township Committee's position was that they wanted to hold the public meeting for the review of master plan in-person and not through Zoom*

Ryan Schmid:

- *Asked about delay in Master Plan review and access to information regarding Planning Board reviews on the Master Plan*

Mayor Donohue:

- *Explained the master plan review has not been on any Planning Board agenda because they were trying to wait to be able to hold the meeting regarding the Master Plan in a live-in person forum and not through Zoom*

Ryan Schmid:

- *Continued to discuss concern regarding Master Plan review*

Mayor Donohue:

- *Explained process of appointing Planning Board and Zoning Board; further stated that the Master Plan review procedures have been done according to the law*

Ryan Schmid:

- *Spoke of documentation regarding Master Plan*

Mayor Donohue:

- *Explained all documentation is supposed to be available to the public online when meetings are held virtually; asked Kimberly Krauss for further clarifications*

Kimberly Krauss:

- *Clarified the reference of zoning changes is a compilation of zoning changes over time which when enacting the master plan reexamination takes into considerations all the actions of the Planning and Zoning Boards; further clarified these zoning changes happened over the period of many different meetings over time*
- *Explained any exhibits during a meeting are made available to public*

Ryan Schmid:

- *Discussed concerns that time is not allocated for public comment during planning board meetings*

Mayor Donohue:

- *Spoke of public comment periods during public meetings*

Kimberly Krauss:

- *Reiterated that public comment periods are available during Zoning and Planning Board meetings*

Ryan Schmid:

- *Discussed recent meeting regarding an informal discussion on the agenda and public comments of that topic*

Kimberly Krauss:

- *Asked for clarification on the board Mr. Schmid was referencing*

Ryan Schmid:

- *Clarified he was referring to the Planning Board*

Kimberly Krauss:

- *Asked Marc Karavan if he was familiar with Mr. Schmid's concerns*

Marc Karavan:

- *Stated he was not; every Planning Board meeting has a period for public comment where the public can speak*
- *Asked Mr. Schmid if he is stating he had something to say and was unable to speak during the public comment period*

Ryan Schmid:

- *Explained there was no opportunity to speak during an informal discussion*

Marc Karavan:

- *Explained when the board has a discussion for a specific item amongst themselves, the statutory framework does not provide for public input but there are periods within the meeting where the public can provide input or the public is able to reach out to the board secretary with their questions or opinions*

Mayor Donohue:

- *Asked if Mr. Schmid could send him an email with the specific information, he is looking for so they can provide it to him before the meeting*

Maryann Carter Alulis:

- *Expressed concerns regarding the same about information being available and being able to comment on the Master Plan Reexamination*

Mayor Donohue:

- *Reiterated that they want people to come to the meeting on November 10th with informed background on the issues; stated if people have questions, they could forward them to him*

ENGINEER REPORT:



Township of Middle
Project Status Report
October 19, 2020

Prepared By: Vincent C. Orlando, P.E., P.P., L.L.A.

1. **Atlantic/Pacific Drainage Improvements:**
 - Construction 98% Complete – Minor Cleanup Issues
2. **Hand Avenue Sidewalk Extension:**
 - 98% Complete – Minor Cleanup Issues
3. **Linden Lane Road Reconstruction:**
 - Construction to begin week October 19, 2020
4. **Birch Drive, Avocado Road, Coconut Road & Aspen Drive Road Reconstruction:**
 - Under design
 - Bid by end of year
5. **Carter Road Drainage/Road Reconstruction:**
 - Under design
 - Bid by October 30, 2020
 - Begin construction December 2020
6. **Rio Grande Park:**
 - Anticipated completion date November 1, 2020 for all construction except for sign, tables and bench required to be changed by County.
7. **Whitesboro Main Street – Speed Calming Devices:**
 - Bids received
 - Recommend contract be awarded to Ricky Slade Construction
8. **Middle Township Master Plan:**

Planning Board to hold public hearing at November 10, 2020 meeting
9. **South Fourth Street Road Reconstruction:**
 - Contract award to Ricky Slade Construction
 - Anticipated construction start date is October 26, 2020
 - Anticipated completion date is December 15, 2020

Cambridge Professional Offices
5 Cambridge Drive, Ocean View, New Jersey 08230
PHONE: (609) 390-0332 • FAX: (609) 390-9204

Mayor Donohue:

- Briefly went over Engineer's Report

COMMITTEE COMMENTS:

Committeeman Gandy:

- Discussed the start of leaf collection on November 2nd; stated November 7th was Shred Day; explained all the information was available on the Township websites
- Spoke of demolition of the location for new Chipotle location
- Stated land sale would be October 28th
- Commented on the successful Meet the Candidates night; Thanked the Middle Township Chamber of Commerce for putting together the event

Committeeman Norris:

- Thanked Middle Township Chamber of Commerce for their Meet the Candidates event
- Welcomed 2 new employees in the Public Works Department
- Stated the Antique Car Show would be the following Sunday at Ockie Wisting;
- Commented on the football and soccer programs running successfully; Thanked Dustin Strum, his recreation staff and all the volunteer coaches and parents for their hard work
- Discussed the Halloween and pumpkin decorating contests; Stated they both had a great number of participants with judging to be held on the 26th and 27th of October and winners to be announced on October 29th
- Explained registration was still open for Halloween parade and parade being held on the 28th; thanked Nancy McDevitt for all her hard work on the various Halloween events;
- Thanked Tax Assessor's office for their work done on the new assessments in 2020

Mayor Donohue:

- Discussed hard decision to cancel the Harvest Festival; spoke of various Halloween Activities coming up; discussed Halloween Parade route
- Discussed Covid-19 numbers in Middle Township and Cape May County; Continued to discussed Covid-19 effects on Middle Township and Cape May County
- Spoke of award for traffic calming project at the MLK Center
- Commented on current closure of Senior Center due to Covid-19; Spoke of Marilyn's Millers efforts to be creative to keep in touch with Seniors and keep some sense of community going; Discussed various activities being held for seniors outdoors and in socially distanced areas
- Stated the Public Land sale would be held on October 28th in the Court Room; explained revenue will be help going into the 2021 year

Motion to adjourn meeting – 6:38 pm

1st: Committeeman Gandy 2nd: Committeeman Norris

Pass on Roll Call: Committeeman Gandy, Committeeman Norris, Mayor Donohue

Andrea N. Singley, Deputy Township Clerk

Minutes prepared by E. Bowman